

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. S1-4:08CR563 HEA
)	(FRB)
JAMES DUBOSE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in the above cause were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b).

Presently pending before the court is Defendant James Dubose's Motion To Strike Surplusage (Docket No. 71). In his motion the defendant moves to strike paragraph 23 from the superseding indictment. He asserts that the statement made in paragraph 23 merely restates averments made in paragraph 8 of the superseding indictment. The government has responded to the defendant's motion stating that although paragraph 23 is perhaps redundant of paragraph 8, there is no harm or prejudice to the defendant as a result of such repetition. However, the government goes on to say that it does not oppose the striking of paragraph 23.

Therefore,

IT IS HEREBY ORDERED that Defendant James Dubose's Motion To Strike Surplusage (Docket No. 71) is granted.

IT IS FURTHER ORDERED that paragraph 23 of the superseding indictment is stricken.

A handwritten signature in dark ink, reading "Frederick R. Buckles". The signature is written in a cursive style with a large, stylized 'F' and 'B'.

UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of May, 2009.